

REMARKS

In response to the Office Action dated October 6, 2004, Applicant elects the claims of Group II for further prosecution, namely, claims 10-15 with traverse for the following reasons.

Applicant respectfully points out that the methods recited in Groups III-IV, claims 16, 17 and 18, are substantially similar, as indicated by their very close classifications (class 435, subclass 4, class 435, subclass 7.1 and class 435, subclass 7.92, respectively), and thus the product of Group I would not be used in a materially different process by using the product in one or more of the methods as claimed in Groups III-V. Additionally, Applicant points out that although the assay system of claim 10 recites the use of computer software, a complete search of Group I would include by necessity a search of Group II, as almost all prior art assay systems include the use of computer software for their operation. Thus there is little burden on the Examiner to examine at least claims 1-9 and claims 10-15, which are so closely linked, if not all of claims 1-18.

Applicant reserves his right to file at a later time a divisional application directed to the non-elected claims. Pursuant to 37 C.F.R. § 1.48(b), there is no change in inventorship as a result of this election.

Finally, Applicant directs the Examiner to the very positive International Preliminary Examination Report (IPER) in the corresponding PCT application, in which claims 1-18 are identical to pending claims 1-18 in the present application. A copy of the IPER is enclosed herewith. The IPER identifies all of claims 1-15 as meeting the international patentability standards of novelty, industrial applicability, and inventive step, with claims 16-18 meeting the international standard for industrial applicability. Due to the positive outcome of International Preliminary Examination, Applicant respectfully submits that after at least claims 1-15 are rejoined for U.S. prosecution, claims 1-15 will readily be found to be patentable and in condition for allowance.

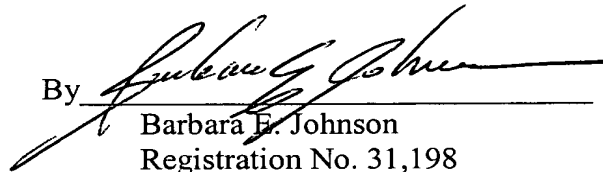
Application No. 10/036,066
Election and Supplemental IDS dated November 8, 2004
Attorney Docket No. 3936-011568

The Examiner is therefore respectfully requested to rejoin at least claims 1-15 and to allow claims 1-15 and pass the application to the Issue Branch.

Respectfully submitted,

WEBB ZIESENHEIM LOGSDON
ORKIN & HANSON, P.C.

By



Barbara E. Johnson
Registration No. 31,198
Attorney for Applicant
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219-1818
Telephone: 412-471-8815
Facsimile: 412-471-4094
E-mail: webblaw@webblaw.com